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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,521	01/18/2002	Jeffrey L. Kodosky	5150-42901	1580

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EXAMINER	
PIERRE LOUIS, ANDRE	

ART UNIT	PAPER NUMBER
2123	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/053,521	KODOSKY ET AL.	
	Examiner	Art Unit	
	Andre Pierre-Louis	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The amendment file on 01/23/2006 has been received and fully considered.

2. Claim 1 is cancelled at the applicants' request; and now new claims 2-18 are presented for examination.

Response to Arguments

3. Applicants' submission of the new claims now feature turning simulation mode on and off which proves a change in scope; however, none of the claims are patentably distinct from the prior art of record, as evidenced by the new ground of rejection below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.0 Claims 2-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blake et al. (U.S. Patent No. 5,574,854), in view of Bilger (U.S. Patent No. 6,912,429).

4.1 In considering the independent claim 2, 17-18, Blake et al. substantially teaches a system for performing a simulation, in particular: a first program *(fig.23, col.1 line 17-col.3 line 36);* a measurement/control program *(fig.23, col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41);* a simulation program *(fig.23, col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41)*; and an input device *(see fig.1-3, 23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41);* wherein the first program is operable to: receive a request for input from the measurement/control program *(see fig.1-3, 23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41);* selectively route the request for input, depending on whether the system is in simulation mode, wherein selectively routing the request for input comprises: routing the request for input to the simulation program if the system is in simulation mode *(see fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41)*; and routing the request for input to the input device if the system is not in simulation mode *(see fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41)*. However, Blake et al. does not expressly teach determine whether the system is in simulation mode; and wherein the system can be configured to turn a simulation mode either on or off. Bilger substantially teaches determine whether the system is in simulation mode *(col.22 lines 17-45)*; and wherein the system can be configured to turn a simulation mode either on or off *(col.22 lines 17-45)*. It would

have been obvious to one ordinary skilled in the art at the time of the applicant's invention to combine the determining a simulation mode and turning the simulation on and off of Bilger in the system and method for simulating of Blake et al. for the purpose of turning and controlling the mode of simulation. Bilger also teaches an input/output device *(fig.1 (8)* and further teaches connectivity capability between device, and the ability of remote access via the Internet *(col.26 line 66-col.27 line 30).* Bilger further teaches the advantage of using the attributes default set up in Cross to minimize time required to program Cross (col.26 lines 24-40).

4.2 With regards to claim 3, the combine teachings of Blake et al. and Bilger teach that the measurement/control program performs the request for input identically, regardless of whether or not the system is in simulation mode *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41)*; *also Bilger col.22 lines 17-45).*

4.3. As per claim 4, the combine teachings of Blake et al. and Bilger teach the output device *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger fig.1 (8);* wherein the first program is further operable to: receive a request for output from the measurement/control program *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41)*; and selectively route the request for output, depending on whether the system is in simulation mode, wherein selectively routing the request for output comprises: routing the request for output to the simulation program if the system is in simulation mode *(see Blake et al. fig.1-3, 20-23 & their*

description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); routing the request for output to the output device if the system is not in simulation mode *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41)*.

4.4 Regarding claim 5, the combine teachings of Blake et al. and Bilger teach that the first program determines that the system is in simulation mode and routes the request for input to the simulation program *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41)*; *also Bilger col.22 lines 17-45)*; wherein the first program is further operable to: receive results for the input request from the simulation program *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41)*; and pass the results received from the simulation program to the measurement/control program *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41)*.

4.5 With regards to claim 6, the combine teachings of Blake et al. and Bilger teach that the request for input comprises a request for input through a first I/0 channel *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41)*; wherein the first program is further operable to determine that the first I/0 channel is mapped to a first software routine of the simulation program *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41)*; wherein said routing the request for input to the simulation program comprises routing the request for input to the first software routine of the

simulation program *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41).*

4.6 As per claim 7, the combine teachings of Blake et al. and Bilger teach a configuration program *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41)*; wherein the configuration program is operable to map the first I/0 channel to the first software routine of the simulation program in response to user input requesting the first I/O channel to be mapped to the first software routine of the simulation program *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41).*

4.7 Regarding claim 8, the combine teachings of Blake et al. and Bilger teach a configuration program *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41)*;wherein the configuration program is operable to turn the simulation mode either on or off in response to user input *(see Blake et al. fig.1-3, 8, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger col.22 lines 17-45).*

4.8 As per claim 9, the combine teachings of Blake et al. and Bilger teach that the simulation mode can be turned on and off without requiring the measurement/control program to be modified, wherein the measurement /control program operates correctly, regardless of whether or not the system is in simulation mode *(see Blake et al. fig.1-3, 8, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger col.22 lines 17-45).*

4.9 With regards to claim 10, the combine teachings of Blake et al. and Bilger teach the a first computer system, wherein the input device is coupled to the first computer system *(see Blake et al. fig.1-3, 8, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger fig.1 & its description*; wherein the measurement/control program executes on the first computer system *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41).*

4.10 Regarding claim 11, the combine teachings of Blake et al. and Bilger teach that the simulation program also executes on the first computer system *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41).*

4.11 As per claim 12, the combine teachings of Blake et al. and Bilger teach a second computer system, wherein the second computer system is coupled to the first computer system by a network *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger fig.1 & its description);* wherein the simulation program executes on the second computer system *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger fig.1 & its description).*

4.12 With regards to claim 13, the combine teachings of Blake et al. and Bilger teach that the simulation program is operable to simulate a physical system *(see Blake et al. fig.1-3, 20-23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger fig.1 & its description).*

4.13 Regarding claim 14, the combine teachings of Blake et al. and Bilger teach that the simulation program is operable to simulate operation of a device *(see Blake et al. fig.1-3, 10A-10B, 23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger fig.1, 7-10 & their description).*

4.14 As per claim 15, the combine teachings of Blake et al. and Bilger teach that the measurement/control program comprises a graphical program , wherein the graphical program comprises a plurality of interconnected nodes that visually indicate functionality of the graphical program *(see Blake et al. fig.1-3, 10A-10B, 23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger col.26 line 24-col.27 line 30 and col.22 lines 17-45).*

4.15 With regards to claim 16, the combine teachings of Blake et al. and Bilger teach that the simulation program comprises a graphical program, wherein the graphical program comprises a plurality of interconnected nodes that visually indicate functionality of the graphical program *(see Blake et al. fig.1-3, 10A-10B, 23 & their description, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger col.26 line 24-col.27 line 30 and col.22 lines 17-45).*

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5.1 Chang et al. (U.S. Patent No. 6,047,387) teaches a simulation system for testing and displaying integrated circuits data transmission function of peripheral device.

5.2 Vanderpohl, III et al. (USPG_PUB No. 2002/0053086) teaches a television control system for universal control of hospital televisions.

5.3 Richardson et al. (U.S. Patent no. 6,874,148) teaches a system and method for exporting a graphical program to a shared library.

5.4 Wang et al. (U.S. Patent No. 6,134,516) teaches a simulation server system and method.

5.5 Sitbon et al. (U.S. Patent No. 5,822,563) teaches a process for simulating server architecture from client architecture.

6. Claim 1 is cancelled and claims 2-18 are rejected. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Pierre-Louis whose telephone number is 571-272-8636. The examiner can normally be reached on Mon-Fri, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul L. Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 12, 2006

APL

Paul L. Rodriguez 5/15/06
Primary Examiner
Art Unit 2125 2123